

Panaji, 23rd August, 1984 (Bhadra 1, 1906)

SERIES I No. 21

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Forest and Agriculture Department

ORDER

6/28/81-AGR

The following order bearing No. 24-22/81-SD dated 30-12-83 issued by the Government of India, Ministry of Agriculture (Department of Agriculture and Coopn.) New Delhi which was published in the Extraordinary Gazette of India, Part II Series - 3 Sub-section (i) dated 30-12-83 is hereby republished in the Official Gazette for the general information of the public.

Sd/- S. M. Naik, Under Secretary to the Govt. of Goa, Daman and Diu.

Panaji, 2nd March, 1984.

GOVERNMENT OF INDIA MINISTRY OF AGRICULTURE

(Department of Agriculture and Co-operation)

New Delhi, dated 30th December, 1983

ORDER

No. 24-22/82-SD

G.S.R. 932(E) In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order, namely:—

PRELIMINARY

1. *Short title and extent:*— i) This order may be called the Seeds (Control) Order, 1983.

ii) It extends to the whole of India.

iii) It shall come into force on the 30th December, 1983.

2. *Definitions:*— In this Order, unless the context otherwise requires,

(a) "Act" means the Essential Commodities Act, 1955 (10 of 1955);

(b) "Controller" means a person appointed as Controller of Seeds by the Central Government

and includes any person empowered by the Central Government to exercise all or any functions of the Controller under this Order;

(c) "Dealer" means a person carrying on the business of selling, exporting or importing seeds, and includes any agent of a dealer;

(d) "Export" means to take or cause to be taken out from any place in India to a place outside India;

(e) "Form" means a form appended to this Order;

(f) "Import" means to bring or cause to be brought to any place in India from outside India;

(g) "Inspector" means an Inspector of seeds appointed under clause 12;

(h) "Registering authority" means a licensing authority appointed under clause 11;

(i) "Seeds" means the seeds as defined in the Seeds Act, 1966 (54 of 1966);

(j) "State Government" in relation to a Union Territory means the Administrator thereof by whatever designation known;

Dealer in Seeds to be Licensed

3. *Dealer to obtain licence:*— (1) No person shall carry on the business of selling, exporting or importing seeds at any place except under and in accordance with the terms and conditions of licence granted to him under this order.

(2) Notwithstanding anything contained in Sub-clause (1), the State Government may, by notification in the Official Gazette, except from the provisions of that Sub-clause such class of dealers in such areas and subject to such conditions as may be specified in the notification.

4. Application for Licence:

Every person desiring to obtain a licence for selling, exporting or importing seeds shall make an application in duplicate in Form 'A' together with a fee of rupees fifty for licence to licensing authority.

5. Grant and refusal of licence:

(1) The licensing authority may, after making such enquiry as it thinks fit, grant a licence in Form 'B' to any person who applies for it under clause 4.

Provided that a licence shall not be issued to a person —

(a) Whose earlier licence granted under this Order is under suspension, during the period of such suspension;

(b) Whose earlier licence granted under this Order has been cancelled, within a period of one year from the date of such cancellation;

(c) Who has been convicted under the Essential Commodities Act, 1955 (10 of 1955) or any order issued thereunder within three years preceding the date of application.

(2) When the licensing authority refuses to grant licence to a person who applies for it under clause 4, he shall record his reasons for doing so.

6. *Period of validity of licence:*

Every Licence under this Order, shall, unless previously suspended or cancelled, remain valid for three years from the date of its issue.

7. *Renewal of Licence:*

(1) Every holder of licence desiring to renew the licence, shall, before the date of expiry of the licence, make an application for renewal in duplicate, to the licensing authority in Form 'C' together with a fee of rupees twenty for renewal. On receipt of such application, together with such fee, the licensing authority may renew the licence.

(2) If any application for renewal is not made before the expiry of the licence, but is made within one month from the date of expiry of the licence the licence may be renewed on payment of additional fee of rupees twenty five, in addition to the fee for renewal of licence.

8. *Dealers to display stock and price list:*

Every dealer of seeds shall display in his place of business:

(a) the opening and closing stocks, on daily basis, of different seeds held by him.

(b) a list indicating prices or rates of different seeds.

9. *Dealers to give memorandum to purchaser:*

Every dealer shall give a cash or credit memorandum to a purchaser of seeds

10. *Power to distribute seeds:*

Where it is considered necessary to do so in public interest, the Controller may, by an order in writing direct any producer or dealer to sell or distribute any seed in such manner as may be specified therein.

Enforcement Authority

11. *Appointment of licensing authority:*

The State Government may by notification in the Official Gazette appoint such number of persons as it thinks necessary to be licensing authority and may also define in that notification the area within which each such licensing authority shall exercise his jurisdiction.

12. *Appointment of Inspectors:*

The State Government may by notification in the Official Gazette appoint such number of persons as it thinks necessary to be Inspectors and may in such notification define the local area within which each such Inspector shall exercise his jurisdiction.

13. *Inspection and punishment:*

(1) An Inspector may, with a view to securing compliance with this Order: —

(a) require any dealer to give any information in his possession with respect to purchase, storage and sale of seeds by him.

(b) enter upon and search any premises where any seed is stored or exhibited for sale to ensure compliance with the provisions of this Order:

(c) draw samples of seeds meant for sale, export and seeds imported, and send the same in accordance with the procedure laid down in Schedule I, to a laboratory notified under the Seeds Act, 1966 (54 of 1966) to ensure that the sample conforms to standard of quality claimed:

(d) seize or detain any seed in respect of which he has reasons to believe that a contravention of this Order has been committed or is being committed.

(e) seize any books of accounts or document relating to any seed in respect of which he has reason to believe that a contravention of this Order has been committed or is being committed. Provided that the Inspector shall give a receipt, in respect of the books of accounts or documents seized, to the person from whom they have seized.

Provided further that the seized books of accounts or documents shall be returned to the persons from whom the same had been seized after copies thereof or extracts therefrom as certified by such person have been taken.

(2) Subject to the provision of paragraph (d) of sub-clause (1), the provision, of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizures shall, so far may be, apply to searches and seizures under this clause.

(3) Where any seed is seized by an Inspector under this clause, he shall forthwith report the fact of such seizure to a Magistrate where-upon the provisions of sections 457 and 458 of the Code of Criminal Procedure, 1973 (2 of 1974) shall so far as may be, apply to the custody and disposal of such seed.

(4) Every person, if so require by an Inspector shall be bound to offer all necessary facilities to him for the purpose of enabling him to exercise his power under this clause.

14. *Time limit for analysis:*

The laboratory to which a sample has been sent by an Inspector for analysis under this Order shall analyse the said samples and send the analysis report to the concerned Inspector within 60 days from the date of receipt of the sample in the laboratory.

15. Suspension/Cancellation of licence:

The licensing authority may, after giving the holder of the licence an opportunity of being heard, suspend or cancel the licence on the following grounds, namely:—

- (a) that the licence had been obtained by misrepresentation as to a material particular or
- (b) that any of the provisions of this Order or any condition of licence has been contravened.

16. Appeal:

Any person aggrieved by an order:—

- (a) refusing to grant, amend or renew the licence for sale, export or import of seeds:

(b) suspending or cancelling any licence may within sixty days from the date of the order, appeal to such authority as the State Government may specify in this order and the decision of such authority shall be final. Provided that an application for appeal shall accompany an appeal fee of rupees fifty.

Miscellaneous**17. Amendment of licence:**

The licensing authority may, on receipt of a request in writing together with a fee of rupees ten from a dealer, amend the licence of such dealer.

18. Maintenance of records and submission of returns etc.

(1) Every dealer shall maintain such books, accounts and records relating to his business as may be directed by the State Government.

(2) Every dealer shall submit monthly return relating to his business for the preceding month in Form 'C' to the licensing authority by the 5th day of every month.

Sd/-

(R. K. Srivastava)

Joint Secretary to the Govt. of India



FORM 'A'

(See clause 4)

Form of Application to Obtain Dealer's Licence

To

The Registering Authority,

..... (Place)

State of/U.T. of

1. Full name and address of the applicant:

- (a) Name and postal address:
- (b) Place of business (Please give exact address)
 - (i) for sale.
 - (ii) for storage.

2. Is it a proprietary/partnership/Limited Company/Hindu undivided family concern? Give the Name (s) and address (es) of proprietor/partner/Manager/Karta.

3. In what capacity this application is made:

- (i) Proprietor.
- (ii) Partner.
- (iii) Manager.
- (iv) Karta.

4. Was the applicant ever convicted under the Essential Commodities Act, 1955 (10 of 1955), or any order issued thereunder during the last three years preceding the date of application? If so, give details.

5. Give the details of seeds to be handled.

Sl. No.

Name of seed

6. I/We have deposited the licence fee of rupees fifty vide challan No. dated in treasury/bank

7. Declaration:

(a) I/We declare that the information given above is true to the best of my/our knowledge and belief and no part thereof is false.

(b) I/We have carefully read the terms and conditions of the licence given in Form 'B' appended to the Seeds (Control) Order, 1983, and agree to abide by them.

Signature of Applicant

Date:

Place:

Note: (1) Where the business of selling/exporting/importing seeds is intended to be carried on at more than one place, a separate licence should be obtained for each such place.

For use in the Office of Licensing Authority

Date of receipt

Name and designation of Officer receiving the application



FORM 'B'

(See clause 6)

Licence to Carry on the Business of a Dealer in Seeds

Licence No.

Date:

Subject to the provisions of the Seeds (Control) Order, 1983 and to the terms and conditions of this Licence Shri/M/s. is hereby granted licence to sell, export, import and store for the said purposes of seeds.

2. The licence shall carry on the aforesaid business at (Place for storage and place for sale (Tehsil or District)

Date:

Seal:

Licensing Authority

State of

Terms and conditions of licence:

- i) The licence shall be displayed at a prominent and conspicuous place in a part of the business premises open to the public.
- ii) The holder of the licence shall comply with the provisions of the Seeds (Control) Order, 1983 and the notifications issued thereunder and for the time being in force.

- iii) This licence comes into force with immediate effect and shall be valid upto unless previously cancelled or suspended.
- iv) The holder of the licence shall from time to time report to the licensing authority any change in the premises where he carries on his business of sale, export, import or storage for the said purposes of seeds.
- v) The licensee shall give every facility to the licensing authority or any other Officer acting under his Authority for the purpose of inspecting his stock in any shop, depot or godown or other place/places used by him for the purpose of storage, sale or export of seeds.



FORM 'C'

(See clause 9)

Application for Renewal of Licence to Carry on the Business of a Dealer in Seeds

To

The Licensing Authority,

..... (place)

State of/U.T. of

I/We hereby apply for renewal of the Licence to carry on the business of dealer in seeds under the name and style of Shri/M/s. The licence, desired to be renewed, was granted by the Licensing Authority for the State of and allotted Licence No. on the day of 19

Signature of applicant(s)

Full name and address of the applicant(s)
Date and Place:

Certified that the Licence bearing No. granted on to carry on the business of a dealer in seeds at the premises situated is hereby renewed upto unless previously cancelled or suspended under the provisions of the Seeds (Control) Order, 1983.

Licensing Authority

State of

Date:

Renewal No.

Seal:

FORM 'D'

(See clause 11)

1. Month and year:

2. Name and designation of Licensee:

(Quantity in Quintals)

Crop/Variety	Class of seed	Opening stock on the first day of the month	Quantity purchased during the month	Total quantity imported	Total	Total quantity sold	Total quantity exported	Closing stock on the last day of the month
1	2	3	4	5	6	7	8	9
					(3 + 4 + 5)		6 — (7 + 8)	

Signature of dealer:

Name:

Address:

SCHEDULE—I

(See clause 13)

Sealing, Fastening, Despatch and Analysis of Samples

I. Manner of taking Samples:

Samples of any seed for the purpose of analysis shall be taken in a clean dry container which shall be closed sufficiently tight to prevent leakage and entrance of moisture and shall be carefully sealed.

II. Sampling Intensity:

Bulk Sampling — When sampling seed lots are stored in bulk (heaps, bins, wagons, etc.), the following sampling intensity should be regarded as a minimum requirement for obtaining the "bulk sample".

(a) upto 500 kilograms at least 5 individual samples except in case of small lots upto 50 kilograms where a smaller number of samples is sufficient, not less than 3 samples need be taken.

(b) 501 to 3,000 kilograms One individual sample for each 300 kilograms, but not less than 5 individual samples.

(c) 3,001 to 20,000 kilograms One individual samples for each 500 kilograms but not less than 10 individual samples.

For seed in bulk the individual samples should be distributed at random all over the bulk and the samples drawn from varying depths. Bag sampling — For seed lots in bags or other containers the following sampling intensity should be regarded as a minimum requirement:

(d) upto 5 containers sample each container but always take at least 5 individual samples.

(e) from 6 to 30 containers sample at least one in every three containers but never less than 5.

(f) 31 containers or more sample at least one in every five containers but never less than 10.

Unless doubt exists about the homogeneity of a lot, all such primary samples should be combined to make a composite sample of the lot for submitting to the seed testing laboratory. If the individual or primary samples are not sufficiently homogenous, they may be sent to the laboratory for a heterogeneity test.

III. Containers to be labelled and addressed:

All containers containing samples for analysis shall be properly labelled and the parcels shall be properly addressed. The label on any sample of seed sent for analysis shall bear —

(a) serial number:

(b) name of the sender with official designation, if any;

(c) name of the person from whom the sample has been taken;

(d) date and place of taking the sample;

(e) kind or variety of the seed for analysis;

(f) nature and quantity of preservative, if any, added to the sample.

IV. Manner of Packing, Fastening and Sealing the Samples:

All samples of seeds sent for analysis shall be packed, fastened and sealed in the following manner:

(a) The stopper shall first be securely fastened so as to prevent leakage of the containers in transit.

(b) The container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive.

(c) The paper cover shall be further secured by means of strong twine or thread both above and across the container, and the twine or thread shall then be fastened on the paper cover by means of sealing wax on which there shall be at least four distinct and clear impressions of the seal of the sender, of which, one shall be at the top of the packet, one at the bottom and the other two on the body of the packet. The knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the sender.

Industries and Labour Department

Notification

19/8/68/IND (Part)

In exercise of the powers conferred by section 50 of the Goa, Daman & Diu Industrial Development Act, 1965 (Act No. 22 of 1965), and all other powers enabling him in this behalf and after consultation with the Corporation, the Administrator of Goa, Daman & Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Industrial Development Rules, 1965, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Industrial Development (Second Amendment) Rules, 1984.

(2) They shall come into force at once.

2. *Amendment of rule 5.*—In the Goa, Daman and Diu Industrial Development Rules, 1965, for rule 5, the following rule shall be substituted, namely:—

5. *Pay and allowances.*—The Chief Executive Officer and the Chief Accounts Officer shall be appointed by the Government on such pay as may be fixed by the Government in the following scales, namely:—

(a) Chief Executive Officer—scale of pay:—(1800-100-2000-125/2-2250)

(b) Chief Accounts Officer—scale of pay:—(1100-50-1600)

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 13th August, 1984.

Law Department (Legal Advice)

Drafting Section

Notification

LD/1/8/84-(D)

The Government of Union Territories (Amendment) Act, 1984 (No. 19 of 1984), which has been

assented to by the President of India on the 8th May, 1984 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 8th May, 1984, is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman & Diu.

Panaji, 10th August, 1984.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 8th May, 1984

Vaisaka 18, 1906 (Saka)

THE GOVERNMENT OF UNION TERRITORIES (AMENDMENT) ACT, 1984

No. 19 of 1984

An Act further to amend the Government of Union Territories Act, 1963.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Government of Union Territories (Amendment) Act, 1984.

2. *Amendment of section 3.*—In section 3 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act), in sub-section (5), the following *Explanation* shall be inserted, namely:—

Explanation.—In this sub-section, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

3. *Insertion of new section 43E.*—In Part III of the principal Act, after section 43D, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of March, 1984, namely:—

43E. Special provision as to readjustment of territorial constituencies.—Notwithstanding anything contained in sections 38 to 43D (both inclusive), until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the division of each Union territory into territorial constituencies and any reference to the "latest census figures" in this Part shall be construed as a reference to the 1971 census figures.

4. *Validation.*—Anything done or any action taken on or after the 1st day of March, 1984 and before the commencement of this Act for the purposes of elections to the Legislative Assembly of the Union territory of Mizoram shall be deemed to

be, and to have always been, as validly and effectively done or taken as if the provisions of the principal Act as amended by section 3 had been in force at all material times.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

Drafting Section

Notification

LD/7/7/84-(D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 17th day of July, 1984 and assented to by the Administrator of this Union territory on 2nd August, 1984, is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 13th August, 1984.

**THE GOA, DAMAN AND DIU APPROPRIATION
(EXCESS EXPENDITURE FOR 1979-80)
ACT, 1984**

(Act No. 5 of 1984)

An Act to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1979-80 in excess of the amounts granted for those services and for that period.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-fifth Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Goa, Daman and Diu Appropriation (Excess Expenditure for 1979-80) Act, 1984.

2. **Issue of Rs. 1,06,71,558 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu to meet excess expenditure for the year 1979-80**— From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, the sums specified in column 5 of the Schedule amounting in the aggregate to the sum of one crore six lakh seventy one thousand five hundred and fifty eight rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule for the year 1979-80 in excess of the amounts granted for those services and for that period.

3. **Appropriation.**— The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the Schedule for the year 1979-80.

THE SCHEDULE

(See Sections 2 & 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the consolidated Fund of the Union territory of Goa, Daman and Diu	Total excess over grants/appropriation
1	2	3	4	5
		Rs.	Rs.	Rs.
—	Interest Payments	—	1,697	1,697
13.	Roads and Bridges	3,87,314	—	3,87,314
22.	Irrigation and Power Projects	1,02,78,830	—	1,02,78,830
—	Public Debt	—	3,717	3,717
	Total	1,06,66,144	5,414	1,06,71,558

Secretariat,

Panaji-Goa,

Dated:

13th August, 1984.

U. D. SHARMA

Secretary to the Government of Goa,
Daman and Diu
Law Department
(Legal Advice)

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